

SHIPP, A.
Appl. No. 10/500,955
Response to Office Action dated May 14, 2008

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicant acknowledges with appreciation the indication that claims 15-20 are allowed and that claims 21-26 contain allowable subject matter.

Amendments of a formal nature have been made to claims 15 and 18. The amendments are not made for any reasons relating to patentability.

Claims 21-26 were rejected under 35 U.S.C. Section 101 as allegedly being directed to non-statutory subject matter. Claims 21 and 24 are each amended to recite that the system is implemented on a computer apparatus to clarify that claims 21 and 24, and hence also claims 22, 23, 25 and 26 by virtue of their respective dependencies on claim 21 or claim 24, define hardware and so fall within the statutory category of patentable subject matter under 35 USC 101 of a “machine”.

The detailed description describes on page 6 onwards an embodiment of the invention which is shown in Figure 3. The embodiment is stated to include a file-type analyser 20, an entry point code analyser 40 and a suspicious file handler 60. The embodiment is also described as performing various operations including a start-up code search 30 which performs a search against a database of start up-code sequences. The skilled person reading the description readily recognizes and understands that such operations are performed by a hardware computer apparatus, and the description discloses the effect of the operations during execution thereof, that is the specific

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processing of data which is performed. Thus the skilled person reading the application is presented with a disclosure of operations performed by a hardware computer apparatus.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100